REMARKS

The present amendment is in response to the Office Action, dated October 11, 2001, where the Examiner has rejected claims 1-19. By the present amendment, claims 2 and 3 have been cancelled, claims 1 and 4 have been amended, and new claims 20-52 have been added. After the present amendment, claims 1 and 4-52 are pending in the application.

A.   Objection to the Specification

The Examiner has objected to the specification, because on page 16, lines 6-8, the application number of the application being referenced as well as the filing date are missing. By the present amendment, applicants have amended the specification to cure the above informalities. Accordingly, its is respectfully submitted that the Examiner's objection has been overcome.

B.   Rejection of Claims 1-19 under 35 USC § 102(b)

The Examiner has rejected claims 1-19 under 35 USC § 102(b) as being anticipated by Gorniak et al (US 4,817,147) (hereinafter "Gorniak"). Applicants respectfully disagree.

The Examiner has rejected claims 1-4 relying on Gorniak's disclosure relating to Figures 1 and 4. Applicants respectfully submit that the Examiner's reliance on Gorniak is misplaced.

With respect to Figure 1 of Gorniak, applicants note that connector 28 includes two distinct and separate physical ports, wherein the first port is used for communication of synchronous data and the second port is used as an asynchronous port for transferring asynchronous command data. Gorniak describes Figure 1, in part, as follows:

> The intelligent synchronous modem 20 of the system invention has a connector 28 which includes a first port for a primary communication channel for communication of synchronous data, and a second port for a secondary communication channel for communication of command data. The port of the primary channel preferably consists of the standard configuration of connector pins used on most modems of the art. The port of the secondary channel preferably consists of the secondary pins of the RS232 connector which are known as the secondary RS232 EIA signals.
> (Col. 3, lines 51-61.) (emphasis added.)

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As aforementioned, the modem invention 20 includes a connector 28, such as an RS232 connector for receiving primary and secondary data communication channels. <u>The connector 28 can be thought of as having two ports 30 and 32, each port connecting to a receive line and a transmit line in the Y cable</u>. (Col. 4, line 65 - Col. 5, line 2.) (emphasis added.)

Accordingly, connector 28 includes two sets of physical pins, wherein the first set of physical pins is used for synchronous data and the second set of physical pins is used for asynchronous data.

Turning to Figure 4 of Gorniak, connector 128 includes a set of primary pins and the SEC RTS pin 19, which is used to indicate whether the data on the primary pins is coming from the asynchronous port of the computer or the synchronous port of the computer. Gorniak describes Figure 4, in part, as follows:

> [T]he computer 115 sends and receives asynchronous data from an asynchronous port and synchronous data from a synchronous port by funneling the data into the primary pins of connector 125. <u>In addition to the primary pins, the SEC RTS pin 19 is used to provide information as to whether the data being supplied is coming from the asynchronous port of computer 115 or the synchronous port</u>. The data, including the pin 19 information are then sent to modem 120 over cable 122. (Col. 8, lines 57-66.) (emphasis added.)

> Again, for purposes of understanding, the synchronous and asynchronous ports of the modem 120 can be thought of as being more internal to the modem 120 than the connector 128. <u>When data is sent by computer 115 to modem 120, the connector 128 of the modem 120 acts as a switch to channel the data to the synchronous port or to the asynchronous port depending on the information received regarding pin 19. Thus, in effect, the SEC RTS pin 19 is used as a control mechanism to multiplex asynchronous control data and synchronous data mode data over the primary RS232 channel, where the asynchronous data sent from the asynchronous port is "command mode" data intended for use by the modem itself, while the synchronous data sent from the synchronous port is "data mode" data intended for communication with a remote computer.</u> (Col. 9, lines 1-16.) (emphasis added.)

Unlike pending claims of the present application, Gorniak does not disclose, teach or suggest implementing <u>logical channels</u>. Instead, Gorniak describes a traditional method of using physical means to distinguish between modem commands and data. As described above,

Gorniak discloses using two sets of pins in Figure 1 or using pin 19 to distinguish the type of data on the primary pins in Figure 4. However, the pending claims of the present invention (claims 1 and 4-52) include a physical channel having a logical command channel and a logical data channel. Applicants respectfully submit that the pending claims are patentable over Gorniak, because, for example, Gorniak fails to disclose, teach or suggest logical channels of the pending claims.

C. Conclusion

For all the foregoing reasons, an early allowance and issuance of claims 1 and 4-52 pending in the present application is respectfully requested. The Examiner is invited to contact the undersigned for any questions.

Respectfully submitted,
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